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Attorneys for Pacific Bell Telephone Company,
erroneously sued as AT&T Services, Inc.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

VICTOR GAVIN, an individual; <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> AT&T SERVICES, Inc., an unknown business entity; DIANE MATAYOSHI, an individual; and DOES 1 through 100, inclusive; <p style="text-align: center;">Defendants.</p>	Case No. 2:20-cv-02246-JAM-AC (Assigned to Hon. John A. Mendez; Magistrate Judge Allison Claire) <p>STIPULATED REQUEST FOR ORDER MODIFYING EXPERT DESIGNATION DATES IN SCHEDULING ORDER TO PERMIT COMPLETION OF SETTLEMENT AGREEMENT; ORDER</p> Complaint Filed: October 2, 2020 Removal Date: November 9, 2020 Trial Date: May 15, 2023
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1 Plaintiff VICTOR GAVIN, and Defendant PACIFIC BELL TELEPHONE COMPANY,
2 erroneously sued as AT&T Services, Inc. (hereinafter collectively the Parties), by and through
3 their counsel, hereby respectfully move for an Order modifying the Pretrial Scheduling Order
4 (ECF 12, 23) to extend the expert designation and rebuttal deadlines by two weeks to permit
5 time to document the settlement reached between the Parties:

6 WHEREAS, on September 7, 2022 the Court issued an Order (ECF 23) modifying the
7 Pretrial Scheduling Order (ECF 12) and setting the deadline for initial expert disclosures on
8 October 28, 2022;

9 WHEREAS, the Parties have previously requested extensions to the expert designation
10 and discovery cutoff to the Pretrial Scheduling Order in this matter twice before because
11 Plaintiff's counsel and Plaintiff's co-counsels in other matters had been riddled with illnesses,
12 including COVID-19, that required extending the deadlines in those matters and therefore
13 sidelined Plaintiff's counsel's ability to attend to the discovery in this matter. Plaintiff's
14 counsels, Kevin Schwin and Mythily Sivarajah both had COVID-19, which subsequently
15 required continuances on several other matters. Plaintiff's counsel, Elizabeth Peck was avoiding
16 close contact with others as a result of her exposure to a household member having COVID-19,
17 and, Plaintiff's counsels Elizabeth Peck and Mythily Sivarajah had trial in another matter which
18 began on August 8, 2022 (see ECF 19, 21 and 23);

19 WHEREAS, the Parties have reached a settlement in this matter in principal, and they
20 have prepared and are engaging in revisions to a written settlement agreement, but they need
21 additional time to document the settlement due to some uncommon issues with Medicare and
22 taxes due to issues of Plaintiff's age and eligibility for Medicare, and due to Plaintiff's residence
23 in the state of Nevada – each of which circumstance has delayed the progress of the parties'
24 documentation of the settlement;

25 WHEREAS, incurring the necessary costs of providing the initial expert designation and
26 required reports would likely prevent the settlement;

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WHEREAS, the Parties do not anticipate the need for any change in any other scheduling; and,

WHEREAS, the Parties stipulate that there is good cause to extend the expert designation deadlines set forth in the Court's existing scheduling order, and corresponding briefing schedule.

NOW THEREFORE, the Parties hereby agree and respectfully request that the Court order as follows:

The deadline for expert witness disclosures to be completed should be extended from October 28, 2022 to November 14, 2022.

The deadline for supplemental and rebuttal expert witness disclosures to be completed should be extended from November 14, 2022 to November 23, 2022.

The remainder of the Pretrial Scheduling Order remains unaffected by this stipulation.

Date: October 21, 2022

PECK-LAW, *Employment & Civil Rights*

By: /s/ Elizabeth M. Peck (as authorized 10/21/22)

Elizabeth M. Peck
Kevin Schwin, *Of-Counsel*
Mythily Sivarajah
Co-Counsel for Plaintiff
Victor Gavin

Date: October 21, 2022

M LAW ATTORNEYS, APC

By: /s/ Narak Mirzaie (as authorized 10/21/22)

Narak Mirzaie
Co-Counsel for Plaintiff
Victor Gavin

Date: October 21, 2022

SANCHEZ & AMADOR, LLP

By: /s/ Patricia Arias Musitano

Jamie Rudman
Patricia Arias Musitano
Attorneys for Defendant
Pacific Bell Telephone Company,
erroneously sued as AT&T Services, Inc.

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ORDER

Pursuant to stipulation, and good cause appearing, IT IS HEREBY ORDERED THAT:

The deadline for expert witness disclosures to be completed is extended from October 28, 2022 to November 14, 2022.

The deadline for supplemental and rebuttal expert witness disclosures to be completed is extended from November 14, 2022 to November 23, 2022.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: October 24, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ

SENIOR UNITED STATES DISTRICT JUDGE